

ORIGINAL

UNITED STATES DISTRICT COURT

FILED
U.S. DIST. COURT
SAVANNAH DIV.

SOUTHERN DISTRICT OF GEORGIA

2001 JUN 18 A 9:13

SAVANNAH DIVISION

J. Suttles
U.S. DIST. OF GA.

KEITH G. COLEMAN) CV400-54
v.) underlying CR497-181
UNITED STATES OF AMERICA)

**GOVERNMENT'S RESPONSE TO COLEMAN'S
MOTION TO AMEND**

Comes now the United States of America, by and through Edmund A. Booth, Jr., United States Attorney for the Southern District of Georgia, and responds to Keith Coleman's "motion to amend 'order' in support of Title 28 U.S.C. 2255 ineffective assistance of counsel claim."

Coleman seeks to amend his § 2255 petition with a copy of Chief Judge Bowen's May 9, 2001, order regarding disciplinary proceedings in the case of In re: Joyce M. Griggs, Misc. No. 401-019. Coleman asserts that this order supports his claim of ineffective assistance of counsel previously asserted in his § 2255 motion, and argues that Griggs' representation of him was compromised by the Court's denial of a continuance, which would have allowed counsel adequate time to research and prepare for trial. Coleman's motion at 2.

Coleman unsuccessfully raised the continuance issue on direct appeal. Further, the record reflects that Coleman had two lawyers prior to Ms. Griggs. At the time

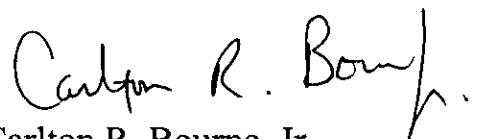
Coleman sought to discharge attorney Sage Brown and hire Ms. Griggs, the Court informed Coleman that no continuance would be granted with respect to the trial date. With this knowledge, Coleman proceeded to discharge Mr. Brown and hire Ms. Griggs.

Moreover, Chief Judge Bowen's order in Griggs' disciplinary proceedings involved her representation of clients in civil and bankruptcy matters. Griggs' representation of criminal defendants was not impugned. To make a showing of ineffective assistance of counsel, Coleman must show cause and actual prejudice. Strickland v. Washington, 466 U.S. 668 (1984). A generic assertion by Coleman that the Court's disciplinary action against Griggs for her representation of clients in civil matters somehow means her representation of him in his criminal case was deficient does not meet the test set forth in Strickland.

WHEREFORE, the government respectfully requests that this Court deny Coleman's motion to amend.

Respectfully submitted,

EDMUND A. BOOTH, JR.
UNITED STATES ATTORNEY


Carlton R. Bourne, Jr.
Assistant United States Attorney
SC Bar No. 007868

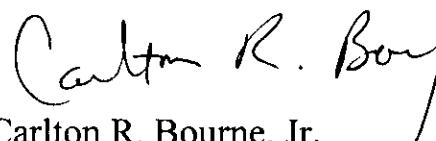
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing government's response to Keith Coleman's motion to amend has been mailed to:

Keith G. Coleman, Reg. No. 09587-021
United States Penitentiary
Post Office Box 26030
Beaumont, Texas 77720-6030

This 18th day of June, 2001.

EDMUND A. BOOTH, JR.
UNITED STATES ATTORNEY



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